

REMARKS

Entry of the foregoing, reexamination and further and favorable reconsideration of the subject application in light of the following remarks, pursuant to and consistent with 37 C.F.R. § 1.112, are respectfully requested.

As correctly stated in the Official Action, Claims 1-9, 12-14, and 21-24 are pending in the present application. Claims 1, 7, 9, 12, 13, 23, and 24 stand allowed. Claims 2, 5, 6, 8, 14, and 21 stand rejected. Claims 3, 4, and 22 stand objected to.

By the present amendment, Claims 2, 6, 8, 21, and 24 have been amended to comply with U.S. practice. Support for the amendment to Claim 6 can be found, at least, in current Claim 5 and Claim 6, prior to amendment. Claim 14 has been canceled, without prejudice to or disclaimer of the subject contained therein. No new matter has been added. Applicants expressly reserve the right to file a continuation or divisional application on any subject matter canceled by the present amendment.

Allowable Subject Matter

Applicants gratefully acknowledge the Examiner's indication that Claims 3, 4, and 22 are allowable if rewritten in independent form and that Claims 1, 7, 9, 12, 13, and 23 and 24 are allowed. As discussed below, Applicants respectfully submit that the rejections of the claims from which Claims 3, 4, and 22 depend have been overcome and rewriting the object to claims in independent form is unnecessary.

Claim Objections

Claims 21 and 24 have been objected to for minor typographical errors. By the present amendment, these errors have been corrected. Withdrawal of these objections is respectfully requested.

Rejections Under 35 U.S.C. § 112, Second Paragraph

Claims 2, 5, 6, 8, 14, and 21 stand rejected under 35 U.S.C. § 112, second paragraph.

Claim 2 stands rejected as lacking antecedent basis for the recitation “said three-stranded DNA structural complex.” Without conceding to the merits of this rejection, and solely in an effort to expedite prosecution, this recitation has been deleted in favor of “said DNA complex.” Withdrawal of this rejection is respectfully requested.

Claim 2 stands further rejected as unclear as to how the three-stranded structure is made. Without conceding to the merits of this rejection, and solely in an effort to expedite prosecution, Claim 2 has been amended as suggested on page 3 of the Official Action. Withdrawal of this rejection is respectfully requested.

Claim 6 stands rejected as lacking antecedent basis for “the other DNA.” Without conceding to the merits of this rejection, and solely in an effort to expedite prosecution, this recitation in Claim 6 has been deleted and Claim 6 amended to alternatively specify the DNA. Withdrawal of this rejection is respectfully requested.

Claim 14 stands rejected as unclear. Without conceding to the merits of this rejection, and solely in an effort to expedite prosecution, Claim 14 has been canceled, thereby

rendering moot this rejection.

Claim 21 stands rejected as lacking antecedent basis for the limitation of “the sequence of a gene to be cloned.” Without conceding to the merits of this rejection, and solely in an effort to expedite prosecution, Claim 21 has been amended to recite “a sequence of a gene to be cloned.” Withdrawal of this rejection is respectfully requested.

Rejections Under 35 U.S.C. § 112, First Paragraph

Claim 8 stands rejected under 35 U.S.C. § 112, first paragraph, as allegedly lacking written description. The Examiner asserts that the specification does not provide written description for structural or functional characteristics of a protein that is functionally similar to RecA. Without conceding to the merits of this rejection, and solely in an effort to expedite prosecution, Claim 8 has been amended to delete the recitation of “proteins that are functionally similar to the RecA protein.” Withdrawal of this rejection is respectfully requested.

Conclusions

From the foregoing, further and favorable action in the form of a Notice of Allowance is respectfully requested and such action is earnestly solicited.

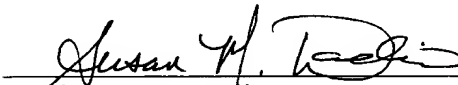
In the event that there are any questions concerning this Amendment and Reply or the application in general, the Examiner is respectfully requested to telephone the undersigned so that prosecution of the application may be expedited.

Respectfully submitted,

Burns, Doane, Swecker & Mathis, L.L.P.

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By: _____


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